644 788 during his peregrinations. He will bestow some of these on his followers and keep the prettiest for himself.

431 In the old days, the Boulsa Naba, Boussouma Naba, Konkisitenga Naba, and all the others who were, so to speak, independent "rulers" of their lands never brought annual tribute to the Mogho Naba without sending gifts to his eldest son at Djiba.

In the same way, the canton chiefs were expected to make the same annual gifts to the Djiba Naba as to his father.

644 696 It should also be noted that chiefs who had quarreled with the Mogho Naba and were in danger of being executed could readily obtain pardons by the expedient of buying the friendship of the Djiba Naba. The emperor, after all, was reluctant to distress his son by putting to death one of his intimates.

[107] Chapter 7

The Mossi Salute. Respect due the Home of a Naba.
The Cap. Precedence among Chiefs.
A Legend Concerning the Origins of Mossi Chiefdom.

Salutation of the Naba (Nab Pousgho)

647 The kombemba (canton chiefs) and nayirdamba (ministers and other court dignitaries), when calling upon the Mogho Naba, are required to remove their cap when they reach the threshold. They hand it to their soroné (servitors) or followers. If they did not come on horseback, they must give their néoda (shoes) to a page and walk barefoot. In a word, they remove anything which might impede the execution of the very complicated Mossi salute.

The following passages concerning the Mossi salute are taken from Father Mangin.

Mossi Salute

644 576 "The Moaga puts down everything, load, hat, cap, and sword, removes his shoes, and sits on the ground. He folds his legs slightly and bends the upper part of his body forward. The elbows rest on the ground, spread as far apart as possible. The forearms, folded

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643 of the present house of Ouendasida, the police adjutant), and there he attended the salam presided over by the Imam.

After the ceremony, the Imam, surrounded by the faithful, went to call upon the emperor for the doua (a kind of benediction involving the recitation of verses from the Koran). The Imam received kola nuts and sheep or a cow.

[368] At the present time the two mosques exist in name only; the one real mosque is that of the Imam in the ward of the mohémé (marabouts). The present Mogho Naba never attends the salam on feast days. He goes to the Circle [Administration Building], then to the home of the Governor, and finally returns home to await the visit of the representative of Islam in Mossi country.

643 The only Mogho Naba who was truly a Moslem was Naba
368 Koutou, the twenty-seventh successor of Oubri. He was sent to
177 the Koranic school at Sagabtenga and is said to have made a creditable record there. When he succeeded his father, he installed a mosque in front of the women's gate. Since then a mosque has traditionally been located in the same place on the palace grounds of every Mogho Naba, even though, as in the case of the present emperor, he was not a believer.

643 Naba Koutou regularly made his salam in accordance with
177 the rites of the Moslem faith and even observed the thirty days of abstinence during the month of fasting. [210] All his children had Moslem names. All, except his eldest son who succeeded him as Naba Sanum, were sent to Koranic schools, although none did any serious work there since they were more interested in becoming naba.

643 During his lifetime, Naba Koutou himself never sentenced
●696 anyone to death, even if he were guilty. He loved peace. When his ministers submitted serious cases to him, he always said: "Go and do what seems best and do not tell me what fate was meted out to the guilty." Like Pontius Pilate, he allowed his ministers to bear the responsibility for the crimes. Since he gave little credence to what the priests said of poéré (confession by the use of magic), he acquitted individuals condemned to death by that barbaric method.

695 tomb and force him to drink water in which earth from the grave had been diluted. This test was greatly feared, for the Mossi believe that the deceased will come and take his revenge.

The defendant went free unless his guilt was proved by witnesses. When arguments arose about the ownership of fields, domestic animals, etc., each person concerned would give his arguments and summon his witnesses, and the judges made a decision on the basis of the discussions. If two women quarreled, their husbands were supposed to get together and reach a decision. The province chief judged disputes
692 concerning marriage. For instance, if a girl had been promised to someone and the bride price was paid in part, and then her father changed his mind and gave her to another, the disappointed suitor could appeal to the province chief, who saw to it that the payment was returned. If the defendant ran away to avoid trial, he could only be tried in absentia if witnesses deposed against him.

696 /25/ The sentence was carried out as far as possible, even in the
691 absence of the convicted party; if he returned, the trial was not re-
672 opened but he could appeal to the province chief. The family is held responsible in every case. If the sentence includes a fine, and if the convicted person's property is insufficient, the property of his relatives is seized. People are held accountable for their children's debts, and if the defendant runs away, one of his relatives is seized in his place. On the other hand, the head of the family is the abso-
[593] lute master and the judge of the family. He must pay his children's debts and the fines they have incurred, but he may chastise them, even put them to death, or banish and curse them, a punishment which as a rule is greatly feared. All this indicates the strength of the family ties, which we shall study in the second part of this work. The naba saw to the execution of the sentence pronounced by the court; the executive and judicial powers were vested in the same person. If anyone refused to pay his debts or to pay the inflicted penalty, he was stripped of his property. No commutation of the sentence was allowed, and the person condemned to irons or to death had to suffer the sentence himself and could not go free by paying a fine or by substituting a slave. Capital punishment was carried out in public. The province chief was entitled to grant a pardon, but,
[761] of course, he made use of this right quite rarely. A man's life counts for so little in the eyes of the Black!

695 The procedure was the same for all, men and women. The sons
681 of nabas, the nakomsé, however, were neither tried nor punished in
554 public. They were not tied with ropes, but with strips of fabric; and if condemned to death, they were hanged rather than clubbed to death. In any case, complaints against them were extremely rare. The sons of a powerful naba could do anything with impunity.

681 For examples, here are a few crimes and their respective punishments. Of course, there was no written code, no formal scale of penalties. Everything depended on custom and on the whim of the
696 judge. Thus, the wealthy could obtain sentences in their favor by
691 paying the judges, and thieves could avoid punishment by sharing their loot with the naba. Otherwise, a thief caught in the act was
685 flogged, sometimes to death. He was condemned to several months in irons, and exposed to public ridicule before the naba's hut; he had to restore what he had taken, and his family was held responsible. If he repeated the offense, he was led to the marketplace with a rope around his neck; he was supplied with an abundance of meat and dolo /beer/, and then clubbed to death at the foot of a tree. In Ouagadougou he was sometimes made a eunuch instead. This was almost the equivalent of a death sentence, because the operation was carried out in such barbarous fashion that death often ensued. French justice more leniently imprisons the thieves, a cause of complaint by honest people who find the punishment too mild.

682 In case of willful murder, the killer was put to death; if he could
683 not be found, a member of his family was executed in his place.
672 In case of a brawl, no attempt was made to determine who had started the fight or who was in the right. (Manslaughter was punished by a fine paid to the victim's family. The right /26/ of self-defense was, of course, recognized. If blows and wounds had been inflicted, the adversaries were put in irons.)

681 Old women were often accused of being witches and of eating
683 children's souls. If their crime was considered proved, if the sorcerers
888 consulted declared some old woman guilty of a baby's death, she was put to death in very cruel fashion: a second opening was made in a clay pot so that her head could be put completely within it; then the pot was heated intensely and placed over the head of the unfortunate woman.

685 If a goat or sheep caused damage to a field, the animal could be killed on the spot. The owner had to be notified, but he was not

644 who will make him into a sorone if he is a boy, or alone have the right to give her in marriage if she is a girl."

643 Moulins also provides interesting details on the manner in which the Moro Naba spends his days, or rather spent them in the past, for this description refers to the state of affairs prior to the French occupation.

"From Ouarga's reign onward, the Moro Nabas, who had previously resided successively in various parts of the empire, settled at Ouagadougou where they have lived ever since. Custom constrains them never to leave /571/ the capital except in unusually serious circumstances. This is because the land falls into anarchy [674 when the sovereign is absent from Ouagadougou. All theft, pillage, 696] and murder committed at that time remain unprosecuted.

644 "Every morning at seven, the Moro Naba emerges from his hut. 173 His saddled horse waits before the door. He mounts it and pretends to set out on his way, but after riding around his hut he dismounts and goes back into his hut only to come out again immediately.

"This formality of the protocol has the following origin. A long time ago the favorite wife of the Moro Naba having fled to La, the sovereign wished to go and fetch her himself. He mounted his horse and was about to leave when all the court dignitaries rushed to him, admonishing him not to carry out his project, for his absence from Ouagadougou could only result in anarchy. The monarch gave way, and soon afterwards his wife returned of her own accord. It is in memory of the magnanimity of this sovereign, who sacrificed himself in the interests of his people, that every morning since that time the Moro Naba has pretended to prepare for departure and to then give up his plan.

644 "Following this ceremony, the Moro Naba settles himself in a recess sunk into the wall that surrounds his residence, and then, to the strains of abundant music, the whole court comes to the sovereign and prostrates itself before him, brow in the dust, forearms striking the ground in rhythm with a great clicking of bracelets. Then business is attended to.

"First, the five province chiefs come forward in order of precedence, relate to the Moro Naba those events which have taken place since the preceding day, and receive his instructions for the day. Then they present to him the canton and village chiefs and the common natives who wish for an audience.

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chief. If he was not qualified then one of his younger brothers, or one of father's brothers or uncles was chosen. Yet, the fiction of equal access to the *nam* was important to the Mossi because it enabled them to adhere to their most important political axiom which was that "The only man who should rule is one who can keep the country." Regencies were avoided, and persons with physical and character defects were barred. Moreover, this flexibility gave the electors a wide choice of candidates from which to choose the person best fitted for chieftainship at any given period. The Mossi have always believed that it is difficult to rule men and this is what they mean when they declare: "Nanamsè toumdè ya yida fa fa"—"The work of the chiefs is the most difficult of all."[3] For example, it does not seem like an accident that the first ruler, Moro Naba Wubri, was succeeded by four of his brothers in turn instead of by his sons. The Mossi had not completely conquered the territory, and the young sons were incapable of handling the complex political situation. The graves of each of the successors to Wubri in different parts of the country remain as markers to testify to the difficult task which the early rulers had in controlling their realm.

The Mossi believed, and still do believe, that it was only when conflict developed after a ruler died, that the people realized how necessary and valuable a chief was. The death of a chief, especially of the Moro Naba, was kept a secret until the war minister arrived at the capital with his troops. Only then did the cry go up: "The fire has gone out!"; and as soon as it was heard, violence broke out throughout the land. Prisoners were released, thieves rifled the markets, and the *nakomcses*, or nobles, rode about the countryside doing whatever they wished. This custom persisted as late as 1942. Reporting to his superior in Abijan about the events that transpired in Wagadougou when Moro Naba Kom died, the French commander wrote: "On Friday, March 13, 1942, young people, profiting from old custom, tried to steal things, but they were stopped and about one hundred were arrested."[4] Throughout all the chaos which attended the death of a king, the war minister remained calm unless an attempt was actually made to seize power. He never attempted to stop the public disorder or to catch thieves or murderers, because everyone believed that out of

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696 all the chaos would come a new appreciation for the task of the chief, and a cessation of the grumbling that the chiefs were greedy.

662 The Mossi interregnum also served another purpose. It gave the
428 electors the opportunity to exhaust and redistribute much of the patri-
666 mony of the dead ruler, which was brought to them by his heirs who were trying to obtain the chieftainship through bribery. Sometimes, a candidate's ability to collect a great deal of goods with which to press his suit often revealed to the electors the strength of his following in the district or village, for had he been an unpopular man he would have had to use only his own resources.

666 The Mossi electors were always concerned with the health and
643 character of a potential chief, and turned down the most promising
175 candidates who were deficient in any of these qualities. For example, when Moro Naba Sanum died in 1890 without leaving a male heir, his younger brother, Bokary Koutou, was the strongest candidate for the *nam*. Yet he was passed over, at first, by the electors because of his reputation as a bandit and a rebel. We know from Captain Binger, a Frenchman who met Bokary in 1888, that this prince was indeed a bandit and a slave raider. But Binger, although deploring Bokary's conduct, exonerated him on the grounds that the Moro Naba had sent him into exile without any means of support. This was true, but the
[687] reason that Moro Naba Sanum did so was because Bokary had raised a rebellion against him as an attempt to obtain their father's position. Bokary was forbidden to appear in the capital; but when he heard that his brother Sanum was dead, he took a force of soldiers and hurried to Wagadougou fearing that an attempt would have been made to prevent his election. When he found that his fears were justified, he became
[669] desperate and secreted a force of Gurunsi warriors around the elector's meeting place, threatening to kill them if he was not named Moro Naba. They succumbed to his threat and he received the *nam*. During
643 the customary speech in which a new ruler chose his official name,
175 announced his program for the people and the country, or ridiculed his erstwhile competitors, Bokary Koutou said: "A hundred ghosts cannot frighten an elephant (Wobogo)," meaning that he was not afraid
648 of any of his enemies. He thereafter became known as Moro Naba
721 Wobogo, and he chose to live up to his boast when the French arrived
175 and asked him to sign a treaty of protection with them. He refused

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The Mogho Naba had an elaborate court composed of many officials, relatives, and servants. The most important courtiers were the five ministers, who appeared daily at court and took part in all important ceremonies in addition to administering their own provinces. Aside from these men, the Mogho Naba had a number of other officials called Naba whose responsibilities covered the full range of duties in the palace and in the capital. One of the most interesting was the Pwe Naba, a royal diviner and court chaperon. His chief duty was to guard the morals of the pages and the royal wives; he also administered the ordeal to persons accused of treason. The pages were required to be chaste until they were discharged from the palace, lest their amorous adventures lead them to compromise the virtue of the royal wives, with whom they were constantly in contact. A wife and a page suspected of adultery were tested by the Pwe Naba. He forced them to look into a mirror or a calabash of water, and declared them guilty or innocent according to the way their faces were reflected. If they were found guilty, the wife was executed and the page was either executed or discharged in disgrace. The Pwe Naba also saw to it that strangers did not address the ruler's wives either on the street or in the market. Offenders were executed.

The Dapore Naba served as the court's chief executioner and as head of a group of the Mogho Naba's hereditary serfs. Members of the royal clan were executed by strangulation, since royal blood could not be shed; all other persons were executed either with a sword, by hanging, or with heavy clubs. Another palace official was the Ouedrango Naba, the head groom. It was he who saddled and presented the king's ceremonial horse to him at the morning ceremony. The Kambo Naba commanded the palace guard; only he and his guards were permitted to carry guns. The Samande Naba and the Samande Nabila supervised the work of the samande-kamba, young men who worked around the palace courtyard and kept watch with heavy batons to enforce order during ceremonies. A lesser palace official was the Zusoaba Kasanga, who, as chief of the palace eunuchs, ruled over the guardians of the royal harem. The Gande Naba made sacrifices for the ruler and also distributed gifts from the king to the royal officials and the royal household.

Another courtier, and one who played an important role during the installation of the new ruler, was the Ouagadougou Naba. As a direct descendant of the Ninisi, he was all but indispensable at sacrifices propitiating or honoring his ancestors. The Bendere Naba was the chief musician and court historian; according to some reports, a Bendere Naba was killed instantly if he made a mistake while reciting the ruler's genealogy. The Raga Naba was chief of the markets in the capital. Under him were

622 623 had a group of confidants who acted as an informal council. These men included senior members of his own lineage, elders from other local lineages, and personal friends. Again, like the confidants of the district chiefs, these men visited the village chief whenever they were not busy with their own affairs to talk to him about wives, crops, and village matters. Although protocol was at a minimum on this level, the chief had to maintain a high [613] degree of decorum. As a member of the ruling lineage of the district, he [565] had noble status and had to be treated accordingly. The non-noble village chief was also respected as a recipient of the nam. But all chiefs, whether 622 nobles or commoners, were expected to lead exemplary lives lest the flaws in their characters as revealed by the intimacy of village life should weaken their prestige.

622 The village chief received his orders from the district chief through the 203 administrator in charge of his village or through one of this official's servants. He, in turn, used his own sons or relatives to transmit messages to the heads of the saghse. If the message was extremely important, the village chief's messenger might be accompanied by the administrator's messenger or by the district chief's personal representatives. The saksobadamba then transmitted the order to the various compound heads. This hierarchy was always followed because, by following it, the officials knew who was responsible for disobeying or frustrating the wishes of the superior chiefs. As on the district level, the orders transmitted to the village and its sections dealt with such things as collecting tribute, picking fruits from the district chief's trees, allocating labor for the district chief or his personal retainers, transferring or summoning cases to the district court, procuring sacrificial animals for the local Tengsoba, and requesting soldiers. The village chief also sent his own messages to the saghse. These messages, however, dealt with such village matters as local sacrifices, quarrels, and court cases.

622 Misrule and maladministration by a village chief were punished either 687 by the district chief or by the villagers. Like other Mossi rulers, the village 634 chief could not be deposed and allowed to live. However, he had a better chance of fleeing and finding refuge in another district. His presence in a strange district did not challenge the authority of the local chief, and he had no opportunities to seize any of his host's villages. In fact, if the refugee was accompanied by a large number of his subjects, his host might even give him land on which to erect a new village. The proviso was, of course, that he should not "spoil" the district by causing trouble. If a village chief accused of maladministration was seized by the district chief before he could [696] flee, he was invariably executed. If he was a commoner, he was decapitated or even stoned to death; if he was a nobleman, he was taken into the bush and strangled in secret by the district police

He was also liable to be put in stocks for several days, and when released he was warned against visiting the local markets, where he might be tempted to renew his illicit relations. A nobleman convicted of adultery was often merely warned or fined, since his movements could not be restricted. But if a man caught his wife and another man in *flagrante delicto* and killed them, his act was considered justifiable homicide (even if the slain man was a noble), and he went free. If, however, he killed the lover but spared his wife, he had to send her to the chief's household. Here she was made to perform hard work under the supervision of the palace guards until it was believed that she had reformed. A man who was experiencing difficulties with an unfaithful wife and feared he might eventually kill her or her paramour also sent her to the chief's compound for a few months.

The Mossi have always been great creditors and debtors, and cases concerning indebtedness seem to have been next in frequency at the district court. The chief usually dismissed cases of indebtedness brought against minors, because it was considered unseemly for adults to give credit or to loan valuable property to youths not yet of age. Thus, if the minor's family refused to make restitution, the creditor usually had no redress. However, if a woman borrowed property and refused to return it, her husband's lineage was held responsible. Similarly, if an adult male borrowed anything and refused to return it or to do so on time, the case was taken to the local court and eventually to the district court. The creditor was asked to supply witnesses to the loan, and if the chief was satisfied that the loan had been made under the conditions specified, the debtor was ordered to make restitution. If the debtor claimed bankruptcy, the chief ordered that his goods be seized and sold, and that restitution be made to the creditor. If the debtor was truly destitute, his relatives were compelled to pay his debts. The collective responsibility of the babissi for the debts of its members was seen most clearly in cases where men died in a state of indebtedness. The creditors were allowed to summon the debtor's babissi to court, and if proof of the debt was established, the relatives were compelled to repay. If they failed to do so, the chief's police seized and sold their goods to repay the debt.

Cases dealing with violations of civil contracts were somewhat similar. The Mossi did not believe in the axiom *caveat emptor*. If a man sold an animal that died within a week for no apparent reason, the chief ordered an investigation. If it was found that the animal had been ill when sold, the chief ordered that the buyer be reimbursed. If the investigation showed that the animal had been healthy when sold, no restitution was made. Similarly, if a man borrowed an ass or an ox to transport goods and the animal

686 634 692 died while he was using it, the owner could not press any claims. However, the borrower was obliged to sell the animal's flesh and give the money to the owner along with the animal's skin as proof of its death. Under no circumstances would a district chief absolve a man from paying the market value of an animal if he failed to return the skin. Such failure would brand him as a thief and involve an additional fine.

685 [674] The Mossi considered theft a major crime. A thief could be killed with impunity if he was caught in the act and in the presence of several witnesses. If these conditions were not met but the man killed was known to have been a thief, the killer was fined several cows. But if he was known to have been a man of good character, the killer ran the risk of being executed. In this way, the Mossi tried to prevent any abuse of an accepted practice. The theft of grain and other foodstuffs was considered especially reprehensible, because it was held to indicate that the thief was so depraved that he would not even grow his own food. During the rule of Naba Kaglere of Nobere district (1888–1906), a man called Yahiya left his own village of Donse and went to a village called Quitenga to steal sweet potatoes. The people of that village caught him in the act and shot him with a poisoned arrow as he made his escape. Yahiya died without revealing the source of his wound, and his babissi, suspecting foul play, asked Kaglere to investigate. When the Quitenga people learned of the investigation, they went forward voluntarily and reported the circumstances under which they had wounded Yahiya. Kaglere absolved them of all guilt and told the Donse people that Yahiya had deserved to die, not only because he had stolen food (which he might have received if he had asked for it), but because sweet potatoes were the easiest vegetable to cultivate.

685 [692] A thief who was too clever to be caught in the act but who was apprehended afterwards was treated quite harshly by the Mossi court. Here, the penalty of double indemnity was often applied. A man who was brought to court for stealing a chicken or guinea hen was fined a goat or a sheep. Hence the Mossi proverb "Zou noaga ronda bouga"—"He who steals a chicken repays a goat." [696] The thief who stole one cow had to return several. If a thief could not pay the fine, he was placed in stocks until his relatives paid for him. If they refused to do so, the chief's retainers seized their property, sold it, and made restitution. This often compelled the family of a recidivous thief to make him commit suicide. [762] [634] If the family would not resort to this, the district chief had the man seized and clubbed to death.[7] Sometimes the chief sent recidivists to the Mogho Naba, who sent them to a village called Teemetenga to be made into eunuchs.[8]

[565] [599] The Mossi seem to have made a distinction between theft and pillage—

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a practice whereby nobles deprived commoners of their property. Those nobles who lived among commoners quite often confiscated their neighbors' property. But this was not regarded as theft and was not punishable as such, although a rapacious nobleman could be sanctioned for terrorizing and "spoiling" a village. If a nobleman was caught performing an act that *was* considered theft, or if he was accused and found guilty of theft, he was severely punished. During Kaglere's reign, the people of a small village suffered a series of livestock thefts. One day, while the friends of a village chief were sitting with him, a dog came out of the chief's compound dragging an animal skin. The men recognized the skin as that described for a stolen goat, and decided to investigate. In the chief's courtyard they discovered the hole from which the dog had unearthed the skin. They also found the skins of several other stolen animals. The villagers took the village chief to the district chief, who found him guilty and exiled him from the region. In passing judgment, the district chief told him that he had been elected "to care for the village," but that he had betrayed his trust by robbing his own people.

According to Mossi law, willful homicide or murder was punishable by execution. The Mossi did not use wergild or "blood money," but insisted on the *lex talionis,* which they interpreted as "a life for a life." They did not believe that money or any other valuables could compensate for the life of a man, nor would they allow a slave to be executed in place of the murderer. They believed that only by executing the murderer himself could they prevent his victim's relatives from resorting to vengeance and thus "spoiling" the district or village.

A man who grievously wounded another was apprehended, bound, and taken to the village chief and subsequently to the district chief. Here he was kept in stocks in the serfs' quarter without being tried until his victim either died or recovered. If his victim recovered and the judge found that the wound had been inflicted accidentally, the defendant was fined or had his goods confiscated, but he was released. If the judge found that the victim had been wounded in a fair fight, the prisoner was usually censured and dismissed. The chief often warned the wounded man that he ought to have lived up to the Mossi axiom that a grown man is always able to protect himself. If, however, the trial revealed that the prisoner had ambushed his victim with the intent to kill, he either was fined several cows or had his entire property confiscated. District chiefs are known to have executed the perpetrators of cowardly ambushes even though their victims recovered.

If a man died at the hands of another, an inquest was held immediately. If the killing had been accidental or committed in self-defense, or if it was

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found to have been justified—that is, if the victim was a thief or a nocturnal intruder—then the accused was acquitted or simply fined. If, however, the accused was found guilty of murder, he was sentenced to die, and the mode of execution was at the chief's pleasure. The chief surrendered the prisoner to his executioners, serfs who lived in the Baglere ward. They took him into the woods and carried out the sentence by strangulation, hanging, decapitation, clubbing, or stoning.

The perpetrator of an unusually heinous crime was often ordered to kill himself with a poisoned arrow. This form of execution was feared most, because it tested the murderer's mettle and called into play the coercive force of his lineage if he proved to be a coward. When such an execution was ordered, the district chief had a poisoned arrow prepared and brought to the murderer's father, his brother, or his father's brother's son. The relative gave the arrow to the condemned man, and, while apologizing for his painful mission, explained that the crime had to be expiated. If the murderer agreed to kill himself, his relatives prepared food and drink for him while his grave was dug. Some proud and brave men helped their relatives dig the oblong-shaped grave required for a murderer; some even insisted on digging it themselves. When both the food and the grave had been prepared, the murderer bade his relatives farewell, took the food and the poisoned arrow, and went into a hut. Here he ate the food and afterward killed himself by pushing the poisoned arrow into his leg. In some cases he had to be provided with a second arrow to hasten his death. If a cowardly murderer refused to kill himself, one of his relatives offered to die in his stead. He told the murderer that death was preferable to the knowledge that his lineage brother was a coward. What would happen, he asked the murderer, if he saw a relative being harmed? Would he choose his own safety rather than run the risk of death? The other relatives asked the same questions, and this subtle coercion was usually sufficient to induce the most cowardly man to kill himself. There are no reports of a murderer's permitting a relative to die for him; life would have been impossible for him afterward. One suspects that if ever a murderer had attempted to elude his fate, the district chief would have had him executed.

The district court also prescribed capital punishment for individuals convicted of arson, abduction, witchcraft, or lese majesty. A person convicted of willfully setting fire to someone's hut or crops was put to death even if no one was killed in the resulting fire; he was held to have jeopardized the life and livelihood of his victims. Similarly, the rare person convicted of threatening the well-being of others through the practice of witchcraft was usually tortured and killed. Conviction usually followed the testimony of witnesses or the confession of the accused.

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The torture was seen as a punishment, and not as a form of ordeal to ascertain guilt or innocence. It was designed to cause the culprit as much suffering as possible before he died, and its harshness reflects the Mossi fear of witches and witchcraft. In one form of punishment called *koudgilga*, the culprit was sent to the smith, who tortured him by placing hot iron balls in both his hands. He was then beaten to death. Another type of punishment called *swengalenga* was more painful. A pottery jar from which the bottom had been removed was heated in a fire. Then it was placed over the head of the convicted witch and allowed to burn its way down onto his shoulders. The culprit was subsequently killed. Sometimes a convicted witch was not killed; instead, a man was sent to Ouagadougou to be castrated and sold as a eunuch, and a woman was sold outside the country as a slave.

Gross disrespect toward the chief and crimes of lese majesty were uncommon among the Mossi. These crimes were usually committed by persons who came into close contact with the chief—nobles and court retainers—rather than by commoners, serfs, or slaves. The most common form of lese majesty was adultery with one of the district chief's wives. The penalty for this was death for both violators. Anyone who dared insult the district chief at court was seized and executed. The same fate awaited those who talked about him maliciously in public or threatened to stir a rebellion against him. If the culprits were commoners, they were executed; if they were nobles, they were strangled in secret or were forced to commit suicide.

The district chief was caught in a dilemma whenever nobles committed major crimes or unlawful acts. They could not be imprisoned, and only the Mogho Naba had the legal prerogative to execute them. When a noble committed a major crime such as treason or rebellion, he was sent to the capital to be executed by slaves, who strangled him with a piece of cotton cloth. However, no district chief could allow the nobles to commit crimes with impunity, secure in the knowledge that they could only be punished at Ouagadougou. If a nobleman subverted the chief's rule by repeated acts of cruelty and brigandage, he was executed, although illegally. The executioners were the Baglere Naba and the Dapore Naba. These two men secretly visited the condemned noble, taking with them a bundle as a present from the chief. This bundle contained a new white robe in which were secreted a chief's bonnet and a poisoned arrow. As soon as the noble saw the gift, he knew that he was being ordered to kill himself. If he attempted to raise an alarm or run away, he was instantly strangled and his body was discarded in the bush. If he accepted the sentence, he was allowed to have food prepared, to eat, and then to kill himself. The chief ordered an elaborate funeral for his kinsman as though he had died an ordinary death. Thus, he was able to observe all the proprieties while at the same

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time safeguarding his position within the district and toward the Mogho Naba. For, as already pointed out, the district chief who failed to protect his subjects as well as to rule them was deposed and executed by the sovereign.

The promptness with which the lower courts dealt with litigations left little time for pre-trial bribery, and there is general agreement that the traditional courts were just. Of course, some lower chiefs were known to have been unfair and to have taken bribes. However, they were always in danger of having their verdicts appealed to Ouagadougou.

The Mossi believed in and acted on the dictum that "the truth is at Ouagadougou." They were convinced that they could obtain justice from the Mogho Naba if from no other chief. If a man was not satisfied with the ruling of a lower chief, he was free in theory to seek a higher verdict, and this influenced the kind of justice rendered on the lower level. As a rule, however, the district chiefs did not favor appeals to Ouagadougou. They felt, like most Mossi, that the less their superiors knew about their activities, the better. Thus, the district chief used all of his influence to prevent cases from being appealed to the capital. Some district chiefs were not above coercing litigants into such abstention. They even threatened them with reprisals if the verdict should be unfavorable. But the greatest deterrent against such appeals was the expenditure of time and money. The docket of the Mogho Naba's court was always crowded, and the suitors often had to remain at the capital for as long as three months before they were given a hearing.[9] During this period they often spent more money than the action was worth. Marc states that the word "Ouagadougou" means "the place where one becomes thin," a reference to the amount of money litigants had to spend while waiting for their cases to be heard.[10]

When the object of a lawsuit was the inheritance of cattle, the litigants sustained a double loss. As soon as they asked that the case be taken to the capital, the district chief impounded the cattle. While the case was pending he appropriated the cows' milk, and when the case was settled both he and the Mogho Naba received some animals. Thus, suitors were usually under a great deal of pressure to resolve their problems on the district level. However, if they were determined to go to the capital, they were permitted to do so.

The district chief always sent one of his retainers to the capital with the litigants. The group went directly to the district's provincial minister, who was empowered to hear the appeal and decide whether it should be brought before the Mogho Naba or returned to the district court. If he decided to send it to the Mogho Naba, he placed it on the docket and told the

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litigants when it would be heard. On the day set he took his charges to court, where they waited in the company of the litigants from other districts and from the wards of the capital itself.

The procedure of the Mogho Naba's court differed little from that of the district chief's court. When called upon, the litigant stated his case, called witnesses, and underwent cross-examination by his opponents and by ministers of the Mogho Naba. The litigants were not allowed to look at the Mogho Naba while they spoke, but had to kneel forward on the ground with their faces turned away from him. The Mogho Naba himself seldom looked at the litigants and rarely questioned them. When presented with a complex case, the Mogho Naba, like the district chief, retired with his councillors and canvassed their opinion in order "to ascertain whether or not their verdicts were similar to his own." Nevertheless, he could not follow their advice. He had to make up his own mind, and when he returned to court he rendered his verdict, which could not be appealed. If those who received an unfavorable verdict showed any displeasure, they were taken outside by the palace guards and executed.

The penalties imposed by the Ouagadougou court were usually more severe than those handed down at the district level. The main reason for this was that aside from cases involving residents of Ouagadougou, the lawsuits tried by the Mogho Naba were serious ones and often had been sent to him on appeal. Moreover, the Mogho Naba's court was alone empowered to impose the death penalty within the kingdom of Ouagadougou. It should be noted here once more that district chiefs often executed criminals. But it should also be reiterated that the Mogho Naba never surrendered his prerogative to the district chiefs. They simply usurped it, and if they used it judiciously they were not penalized.

Those nobles and commoners who were convicted for serious crimes at the monarch's court were killed by the royal executioners. Moreover, in contrast to the procedure at the district court, the criminal's property was often seized before his execution. The reason for this is not clear, but it was probably related to the lack of a personal relationship between the court and the relatives of the accused, which enabled the Mogho Naba to impose a harsher penalty. The district chief, it must be remembered, lived in close association with his people and was influenced in his behavior by social relationships. Interestingly enough, the Mogho Naba did not keep the goods seized, but allowed them to be distributed among his executioners.

Crimes against the person or office of the Mogho Naba were punished with greater severity than crimes against the district chief. Any man who was seen speaking to one of the ruler's wives and who did not happen to

be related to her was tried and executed. In some cases, he was put to death without a trial. Adultery with a royal wife was considered so reprehensible that both adulterers were publicly beaten to death. Their bodies were denied burial and were thrown into the bush to be eaten by vultures. The Dapore Naba and the Baglere Naba seized and retained the man's property.

Men who committed treason against the Mogho Naba were usually killed before they could be tried. Chiefs and nobles who were suspected of treason and who consented to come to Ouagadougou for trial were deposed and executed if found guilty. Those who were found innocent were released and sent back to their chiefly duties. The sole exception on record to this general rule was the case of Naba Yemde, a Dim of Boulsa province. He had fought and defeated the forces of Mogho Naba Sanum, and when the Mogho Naba sent a larger army and routed him, he was treacherously delivered to the monarch by another Dim. Sanum found Yemde innocent of treason, but had him executed because he had violated another rule: as the descendant of a Kourita, he had come face to face with the Mogho Naba, thus jeopardizing the monarch's life. This exception is always cited by the Mossi when the inevitability of execution for treason is brought up. Actually, a person accused of treason rarely went to court. He either took poison or died in battle against the royal forces. As a posthumous punishment, his compound was burned, his property seized, and his relatives and servants sold into slavery outside the country. Thus, the supreme penalty was not merely the death of a traitor but the permanent banishment of his entire lineage.